



## Will She Appeal?

Eileen McAfee says she's confused by Friday's court ruling, which dismissed her civil complaint against County Administrator Ronnie Roark over an alleged FOIA violation, yet awarded her court costs and reimbursed her for travel expenses.

## 'Arrows shot at me' Petitioner unafraid of criticism

Eileen McAfee is a native of Montreal, Canada and moved to California as a teenager with her parents and is a naturalized U. S. citizen.

She moved to Virginia in 1990 and loves the state's four seasons, especially winter. She's a former figure skater who still enjoys ice skating. She holds degrees in social work and Criminal Justice from California Polytechnic University and has worked in hospitals and prisons. She worked for Los Angeles County's Probation Dept. and then Social Services.

Her daughter was diagnosed at age 13 with bone cancer (Ewing's sarcoma) and missed all of 8th and 9th grades but survived grueling surgeries, radiation, and chemo and has three children of her own.

Mrs. McAfee says she became concerned in 1995 after seeing media reports about "horrific animal cruelty and filthy conditions at the City of Richmond Animal Shelter." She volunteered and cleaned kennels, washed food bowls, washed and groomed dogs, and helped lead change at the Richmond Shelter, which today she describes as "one of the best large metropolitan shelters in the Commonwealth with knowledgeable, caring, and compassionate staff."

Mrs. McAfee's experience with Richmond's shelter moved her. "I then started looking into the conditions of shelters throughout the Commonwealth and haven't stopped. I have images emblazoned on my mind that often only allow me to pretend to sleep and that I will carry with me forever. Heartbreaking.

"I get a ton of arrows shot at me, but that's always a sign that I'm on the right track and something bad for animals is going on in that shelter or locality that's shooting the arrows."

# COUNTY ORDERED TO PAY

## But FOIA complaint dismissed

Nottoway County has been ordered to reimburse a Henrico woman \$238.24 for her expenses after she filed a Freedom Of Information Act (FOIA) complaint against County Administrator Ronnie Roark.

Last Friday morning in Nottoway General District Court, substitute Judge Thomas Jones of Richmond dismissed a *Writ of Mandamus* filed by Eileen McAfee but awarded her costs--\$58.24 for her court filing fee and \$180.00 for mileage (50¢ per mile), Mrs. McAfee said she made three, 120-mile round trips last week to Nottoway County from her home in Short Pump.

Mrs. McAfee filed the *Writ* last week, and state law required a hearing within seven days. Nottoway Judge Mayo Gravatt recused himself Wednesday, citing his previous working relationship with Roark when Gravatt served as Nottoway County Attorney and Nottoway Commonwealth's Attorney. The Virginia Supreme Court appointed Judge Jones, who is retired.

### "None"

On March 28th, Mrs. McAfee sent a FOIA request to Roark, seeking four items, including "documentation of complaints filed against Mr. (Randy) Leonard, including telephone logs of complaints and correspondence."

When Roark responded that same day by email, he provided some of the data she requested but simply responded, "None" in response to her request for complaints about Leonard.

Mrs. McAfee, however, points to a March 12th letter to Nottoway County from veterinarian Dr. Patricia Morgan of Amelia, who complained about Leonard's performance when he had worked as an animal control officer in Amelia County and warned Nottoway County not to hire him.

Mrs. McAfee received the vet's letter not from Roark, but from Nottoway Commonwealth's Attorney Terry Royall, to whom Ms. McAfee had also sent a FOIA request the same day.

"I got lucky," Mrs. McAfee told the Judge. "And I don't think we should have to 'get lucky' to obtain public documents."

### "Not An Attorney"

Mrs. McAfee, a former social worker and now animal welfare activist, represented herself and emphasized, "I'm a private citizen. I'm not an attorney. Mr. Roark withheld information that I had a right to see. I've never filed a *Writ* before. I try to stay out of court. But I was given false information."

Mrs. McAfee said she contacted Roark three additional times after her FOIA request and received no reply. "I really made an effort NOT to go this route, Your Honor."

### Surprise Witness

Commonwealth's Attorney Royall was subpoenaed Friday by Mrs. McAfee, was sworn-in, and briefly testified that she responded to Mrs. McAfee's FOIA request.

Mrs. Royall also testified that she provided a warning letter of her own to Roark about Leonard, a document that Roark also had at the time of Mrs. McAfee's FOIA request but didn't provide.

In addition to being a surprise witness, Prosecutor Royall had to remind the judge to swear-in Roark before his



**RONNIE ROARK**  
Testified Friday

testimony. Mrs. McAfee was not sworn-in during Friday's proceeding.

### "Personnel" Cited

Roark, who at times appeared both amused and agitated during Friday's 40-minute civil proceeding, was represented by County Attorney Preston Williams. Roark testified that he interpreted Mrs. McAfee's request as seeking complaints about Leonard since he had been hired by the County on March 21st. "I read that to mean during his employment in Nottoway County," Roark testified.

"He had the document and didn't turn it over," Mrs. McAfee countered, saying she now must wonder what else has been withheld from her and others who file FOIA requests here.

Attorney Williams told the court, "What she's seeking, she has already gotten, Judge."

Williams also argued, and the Judge agreed, that the letter about Leonard would be exempt from FOIA under the "Personnel" provision.

Mrs. McAfee didn't disagree but said that's not what Roark did. "I think FOIA is important, not just for the public's benefit but for public officials as well. I think it's important for people to trust them. Mr. Roark did not comply."

### "Gray Areas"

"So what do you want me to do?" Judge Jones asked Mrs. McAfee.

"I want you to compel Mr. Roark," she responded, "and implore him to follow FOIA."

"You really weren't entitled to the letter," Judge Jones replied. "But you've gone to a lot of trouble. FOIA just has so many gray areas. I appreciate what you're doing... His (Roark's) response wasn't what it should have been, but

## Well, who won? FOIA complainant uncertain

Eileen McAfee says she's confused by Friday's FOIA ruling where Judge Thomas Jones dismissed her complaint against County Administrator Ronnie Roark yet awarded her court costs and travel expenses.

"I was awarded reimbursement of my expenses," she told the *Courier-Record* after Friday's proceeding. "...so, under the law, I was deemed by the Judge to have 'substantially prevailed on the merits of the case.'"

Mrs. McAfee says Roark not only violated FOIA by withholding a document from her but he also "untruthfully stated in a letter to me that the documents didn't even exist" and "hid a second document from me that I didn't know existed until two days before the General District Court Hearing - a letter to Mr. Roark from Commonwealth's Attorney Terry Royall."

Roark also waited until trial to "pull out of thin air the excuse" that he considered a warning letter about Animal Control Officer Randy Leonard as "Personnel."

Mrs. McAfee added, "Perhaps even worse, though, Mr. Roark also ignored three opportunities I offered him to comply with the law, which would have avoided my filing a *Writ*, going to court, wasting your and my tax dollars, and, wasting the court's time and expense."

"But, and this is the confusing part, the Judge then dismissed the *Writ*, meaning to my non-attorney mind, that no violation of the FOIA law had occurred. This sounds like a contradiction to me."

"The question remains, therefore, did Mr. Roark or didn't Mr. Roark violate the law and did I or didn't I prevail?"

"Other than appealing the ruling, I don't know how else to obtain an answer to this question. I'm going to have to think some more on what route to take. If anyone can give me an answer, I'm all ears. It's a very long drive from Henrico County down to Nottoway!"

you have the information you sought."

Mrs. McAfee strayed from the FOIA debate briefly to tell Judge Jones there was--and remains--considerable concern among many in Nottoway and Amelia about the hiring

of Leonard. "He just wanted to hire Leonard," she said of Roark.

The judge asked Roark if there have been any complaints, Roark said no, and the judge remarked, "Well, maybe he's shaped-up."

## Roark praised on FOIA

Nottoway Administrator Ronnie Roark was commended Thursday night by a rural resident who has frequently and publicly questioned County officials over the past several years.

Before criticizing the Town of Blackstone's boundary adjustment at Thursday night's Board of Supervisors meeting (*Story, A-2*), Sonny Abbott of Little Creek Road prefaced his prepared remarks by offering, "I'd like to thank Mr. Roark and his staff for providing me with my FOIA request. I ask for it annually, and it always comes as diligently-prepared as possible."

Abbott's remarks came on the eve of Friday's court proceeding, in which Roark was accused of not complying with the Freedom Of Information Act (FOIA) by Eileen McAfee of Short Pump. Her complaint went a step further and also alleged that Roark responded to her request in a false manner, saying he didn't have a document that she later discovered was indeed in his possession.

Abbott is well-versed on County finance matters and routinely requests and receives various budget data.

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